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SUBJECT: CHAMBER OF DEPUTIES, NEGATIVE VOTE FREEZES
INVESTIGATIONS INTO TWO HIGH-LEVEL CORRUPTION CASES

11. (SBU) Summary: In an emergency session called by President Basescu, the Chamber of Deputies on August 13 voted against referring to the National Anti-Corruption Directorate (DNA) the corruption charges against former Prime Minister Adrian Nastase and former Transportation Minister Miron Mitrea. Avoiding a repeat of a June vote that was invalidated for lack of a quorum, the outcome shows that despite looming parliamentary elections, abysmal approval ratings, and a recent pledge to commit to judicial reform in order to end continued monitoring by the European Commission, many politicians remain willing to avoid at any cost creating a precedent for holding senior officials accountable for corruption allegations. End Summary.

12. (SBU) On the Nastase corruption allegation, the votes by secret ballot were 120 in favor of investigation versus 150 against (6 votes were invalidated). On the Mitrea corruption allegation, 160 Deputies voted for starting an investigation versus 105 against (one vote was invalidated). The measures failed on both counts because of the lack of a "super majority" (e.g., two-thirds of the number of Deputies or 218 votes). The results seemed to contradict public statements by PD-L, PNL, and PRM leaders that their caucuses would vote for the investigations to proceed.

13. (SBU) Subsequent vote counts suggest that at least 23 of PD-L, PNL, and PRM,s combined members did not vote the professed party line on the Nastase request. Conversely, approximately two dozen members from the PSD, PC, and UDMR camp apparently voted for the investigation into Mitrea file to proceed. Following the parliamentary vote, a DNA spokesman told the media that both investigations were now "definitively blocked, as the criminal action cannot proceed absent authorization from the relevant body. The prosecutors cannot find any use for these files any more, and will close them."

14. (SBU) Parliament's move to block further investigation of the charges against Nastase and Mitrea came despite public pledges from parliamentarians to cooperate on an action plan to deal positively with the corruption issue. In the aftermath of a recent critical European Commission report on the lack of progress in Romanian judicial reform (and which specifically singled out the Romanian parliament as being obstructionist) all parties committed to take action that would put an end to the EC's continued "humiliating" monitoring of Romania. (note: The July 23 EC report devotes six pages to shortcomings in Parliament, and specifically urged that "independent investigation of former ministers and members of Parliament by the judicial authorities be allowed to proceed in order to restore public confidence in the fight against corruption and in respect for the rule of law.") Asked for comment, EC spokesman Martin Selmayr said that progress in the fight against high-level corruption, including cases involving MPs and former and current ministers, remain Romania's main challenge so far as its

commitments to the EU are concerned.

15. (SBU) After the parliamentary vote, Mitrea announced that he would make good an earlier vow to resign from Parliament so he would have his day in court to clear his name. In contrast, Nastase continued to argue the criminal charges against him were nothing but a political vendetta, characterizing the vote as "a political solution to a political case." His colleague, PSD secretary general Titus Corlatean remarked that the vote was "predictable" since most members were convinced the cases were political. He added that giving DNA the go-ahead would have amounted not to justice being served, but to surrender to "Basescu,s prosecutors" who were continuing to "harass" the two PSD Deputies throughout the parliamentary election campaign. (Note: commentators have noted that Mitrea's gesture appears to be motivated by a desire to differentiate himself from Nastase's hard-line strategy of "stonewalling" judicial action, and reflects his confidence that the courts will not convict based on the evidence available and that he will be reelected to parliament after the November election.)

16. (SBU) PD-L chairman Emil Boc called the outcome "shameful" and a "mockery of justice," while PD-L caucus leader Cristian Radulescu blamed the "unpleasant situation" created on those "parties which showed they can and will obstruct justice." PD-L Deputy Cornel Stirbet, however, told PolOffs that the "silver lining" for his party is that now everyone now has "clear proof" that the PD-L differs from all other parties in its commitment to the anti-corruption effort.

17. (SBU) Comment: The Chamber of Deputies vote was not a

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surprise, but is nevertheless a blow against prosecutors and others seeking parliamentary accountability in the fight against corruption. Prosecutor General Laura Codruta Kovesi has said that she would ask the Justice Ministry to sponsor a bill to curtail top officials and MPs, immunity to criminal investigations, and the Constitutional Court is scheduled to rule soon on PD-L challenges against the current requirement for a two-thirds "super majority" in order to approve criminal investigations of current or former Cabinet members who are also Deputies, on the grounds that there is a double standard for the threshold needed to remove the President for misdeeds (e.g., a simple majority vote) and the two-thirds threshold for Deputies. However, even if PD-L,s challenges are upheld and the bar for clearing high-level corruption investigations by the legislature is lowered, the chances that a majority of MPs would vote to send cases involving their peers to court still remains slim. End Comment.
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